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07/724,601 07/02/91 SCHULEIN

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PRICE, R

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09/09/91

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-17 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-17 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial No. 724,601

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Art Unit 333

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The disclosure is objected to because of the following informalities: on page 8, line 28, the phrase "so as to number" is unclear as to its meaning and correction is needed, and element 5 is shown, but is not discussed in the specification. Appropriate correction is required.

Claims 5-7, 13, 14, 16 and 17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 lines 1 and 2, "the perforations" should be deleted while inserting "--said plurality of perforations." Claim 6, line 2, delete "said perforations" while inserting "--of said plurality of perforations." Claim 7, line 2, insert "--plurality of--" after "said". Claim 13, line 2, before "perforations" insert "--plurality of--"; and claim 14, line 3, "said perforation" is unclear and appears to lack prior antecedent basis. Claim 16, line 1, insert "--plurality of--" after "said".

Claims 13 and 16, it is unclear how said perforations are centrally located, and still be provided substantially to one side.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under

Art Unit 333

this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 9, 10 and 12 are rejected under 35 U.S.C.

§ 102(b) as being anticipated by Rigney et al.

Rigney et al teach a disposable insert for a litter box comprising a flexible sheet-like material (plastic) having a plurality of spaced-apart perforations through the thickness of said flexible material. Said insert is seamless, and one embodiment includes corner portions of said insert being cut-out.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 3, 5-8, 11, 13 and 16 are rejected under 35 U.S.C.

§ 103 as being unpatentable over Rigney et al.

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Regarding claim 3, the use of biodegradable material for the insert would have been obvious to a person of ordinary skill at the time the invention was made because it limits the quantity of material that needs to be disposed of. As for claims 5-7, the specific dimension and quantity of perforations would have been an obvious matter of choice in mechanical design to a person of ordinary skill at the time the invention depending on the desired quantity of waste material to be sifted and/or retained on the insert. Regarding claims 13 and 16, the placement of said plurality of perforations is an obvious matter of choice in mechanical design depending on the direction in which a user would want to sift the used litter.

Summary: Claims 1-17 have been rejected.

Thomas Price
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August 28, 1991
September 09, 1991
703-308-2905

Paul Monner

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